

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Joint Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Switching in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 01-02-024  
(Filed February 21, 2001)

Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Loops in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 01-02-035  
(Filed February 28, 2001)

Application of The Telephone Connection Local Services, LLC (U 5522 C) for the Commission to Reexamine the Recurring Costs and Prices of the DS-3 Entrance Facility Without Equipment in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-031  
(Filed February 28, 2002)

Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Interoffice Transmission Facilities and Signaling Networks and Call-Related Databases in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-032  
(Filed February 28, 2002)

Application of Pacific Bell Telephone Company (U 1001 C) for the Commission to Reexamine the Costs and Prices of the Expanded Interconnection Service Cross-Connect Network Element in the Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-034  
(Filed February 28, 2002)

Application of XO California, Inc. (U 5553 C) for the Commission to Reexamine the Recurring Costs of DS1 and DS3 Unbundled Network Element Loops in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-03-002  
(Filed March 1, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REQUESTING COMMENTS ON POTENTIAL ERROR  
IN DECISION 04-09-063**

This ruling requests comments on a potential error in Appendix C of Decision (D.) 04-09-063, which set unbundled network element (UNE) prices for Pacific Bell Telephone Company d/b/a SBC California (SBC-CA).

It has come to my attention that Appendix C contains a rate for unbundled tandem switching “setup per completed message” that differs from the adopted rate for that same element shown in Appendices A and B of the decision. Appendices A and B list a flat port rate that includes end office switching usage, whereas unbundled tandem switching rates are shown on a usage basis. Appendix C was created to address the comments of PacWest that if the Commission adopted a flat port rate structure, it should not be applied in the context of reciprocal compensation arrangements between competitive local exchange carriers and SBC-CA. The intent of Appendix C was to set end-office switching usage-based rates for reciprocal compensation. (D.04-09-063, *mimeo.*, at 242.) Since usage-based rates had already been calculated for tandem switching, there was no need for them to be included in Appendix C.

Therefore, it appears that the unbundled tandem switching rates in Appendix C should be deleted. This will eliminate any inconsistency between the rates in Appendices A, B and C for “setup per completed message.”

Therefore, **IT IS RULED** that:

1. No later than November 15, 2004, parties may file comments on whether it is appropriate to delete the unbundled tandem switching rates in Appendix C of Decision 04-09-063.
2. Parties may file reply comments on this issue no later than November 22, 2004.

Dated November 5, 2004, at San Francisco, California.

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/s/ Dorothy J. Duda  
Dorothy J. Duda  
Administrative Law Judge

## CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling on Requesting Comments on Potential Error In Decision 04-09-063 on all parties of record in this proceeding or their attorneys of record.

Dated November 5, 2004, at San Francisco, California.

/s/ Antonina V. Swansen  
Antonina V. Swansen

## N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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